

REMARKS

Claims 1-21 and 23-25 are pending in this application. By this Amendment, claims 1, 12, 19, 20, 23 and 24 are amended, claim 25 is added and claim 22 is canceled without prejudice to, or disclaimer of, the subject matter recited therein. Support for the amendments to the claims can be found, for example, on page 16, line 10 to page 17, line 1, on page 17, line 21 to page 18, line 11 and on page 42, lines 16-24. No new matter is added. Reconsideration of this application in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 1-9 and 11 under 35 U.S.C. §102(e) over Tanaka, U.S. Patent No. 6,999,187. The rejection is respectfully traversed.

Tanaka does not disclose a communication system having a terminal-end storage commanding unit that stores, when communication data is stored as a single data in a communication-end storing unit by a storing portion, the communication data into the terminal-end storing unit and that stores, when data segments are stored in the communication-end storing unit by a sequentially storing portion, the data segments into the terminal-end storing unit, as recited in independent claim 1.

Tanaka discloses a capacity determination unit 3 that determines the capacity of a memory 2 (see Fig. 1). If the capacity is under 90%, the information 11 is stored in the memory 2 (allegedly corresponding to the claimed handling of communication data as a single data) (see Fig. 7 and col. 12, lines 30-36). If the capacity is over 90%, the capacity determination unit 3 outputs the information stored in the memory 2 in order to make room in the memory 2 (allegedly corresponding to the claimed handling of communication data as a plurality of data segments) (see Fig. 7 and col. 12, lines 30-36). Subsequently, the information is transmitted from a user's image forming apparatus (allegedly corresponding to the claimed communication device) to a service provider's apparatus (allegedly corresponding

to the claimed terminal device) (see Figs. 1 and 2 and col. 14, lines 12-21). That is, the capacity determination unit 3 of Tanaka outputs the information toward the service provider's apparatus only when the capacity of memory 2 is over 90%, not regardless of whether or not the information 12 is handled as a single data or a plurality of data segments. Therefore, Tanaka does not disclose a communication system having a terminal-end storage commanding unit that stores, when communication data is stored as a single data in a communication-end storing unit by a storing portion, the communication data into the terminal-end storing unit and that stores, when data segments are stored in the communication-end storing unit by a sequentially storing portion, the data segments into the terminal-end storing unit, as recited in independent claim 1.

Further, Tanaka does not disclose a communication system having a storing portion that stores in a communication-end storing unit the communication data as the single data if the communication data satisfies a prescribed condition as the result of judgment by a judging portion, and a sequentially storing portion that sequentially stores in the communication-end storing unit the data segments segment by segment if the communication data does not satisfy the prescribed condition as the result of judgment by the judging portion, as recited in independent claim 1.

The capacity determination unit 3 of Tanaka does not store the information 12 (allegedly corresponding to the claimed data segment), but instead outputs the information 12. Therefore, Tanaka does not disclose a communication system having a storing portion that stores in a communication-end storing unit the communication data as the single data if the communication data satisfies a prescribed storage condition as the result of judgment by a judging portion, and a sequentially storing portion that sequentially stores in the communication-end storing unit the data segments segment by segment if the communication

data does not satisfy the prescribed storage condition as the result of judgment by the judging portion, as recited in independent claim 1.

Furthermore, the communication data stored in the claimed communication-end storing unit of the communication device can be sequentially stored in the terminal-end storing unit of the terminal device automatically (see, for example, page 22, lines 11-16 of the specification). Tanaka does not disclose the features of independent claim 1 or the resulting benefits.

Therefore, independent claim 1 and dependent claims 2-9 and 11 are patentable over Tanaka. Thus, it is respectfully requested that the rejection be withdrawn.

The Office Action rejects claims 10 and 12-24 under 35 U.S.C. §103(a) over Tanaka in view of Thormodson et al. (Thormodson), U.S. Patent Application Publication No. 2004/0075866 A1. The rejection of canceled claim 22 is moot. The rejection of claims 10, 12-21, 23 and 24 is respectfully traversed.

The combination of Tanaka and Thormodson does not disclose, and would not have rendered obvious, a communication system or method having a terminal-end storage commanding unit that, if a terminal-end determining unit determines that there exists description data stored in a communication-end storing unit that is in a state that satisfies a prescribed storage condition, stores in the terminal-end storing unit the description data stored in the communication-end storing unit, as recited in independent claims 12 and similarly recited in the method of independent claim 23.

In the service provider's apparatus described in Tanaka, information 32 sent from a user's image forming apparatus is merely stored in a database 25 (see Fig. 2 and col. 10, lines 5-8). There is no determination made in Tanaka whether the information stored in database 25 satisfies or not a prescribed storage condition.

Thormodson fails to overcome the deficiencies of Tanaka. Specifically, Thormodson discloses that information for a poster can be uploaded by a client to a publishing server (see paragraph [0013]). Thormodson discloses that the publishing server can check to see if image files are in a readable format and that meet certain resolution requirements before retrieving the image files (see paragraph [0013]). However, Thormodson does not disclose that description data of the image files is saved in the publishing server as a result of meeting the readable format and resolution requirements.

Therefore, the combination of Tanaka and Thormodson does not disclose, and would not have rendered obvious, a communication system or method having a terminal-end storage commanding unit that, if a terminal-end determining unit determines that there exists description data stored in a communication-end storing unit that is in a state that satisfies a prescribed storage condition, stores in the terminal-end storing unit the description data stored in the communication-end storing unit, as recited in independent claims 12 and similarly recited in the method of independent claim 23.

With respect to independent claim 19, the combination of Tanaka and Thormodson does not disclose, and would not have rendered obvious a storage medium having a program of sequentially storing in a communication end storing unit data segments segment by segment if communication data does not satisfy a prescribed storage condition as the result of a judgment, as recited in independent claim 19.

As discussed above with respect to independent claim 1, the capacity determination unit 3 of Tanaka does not store the information 12 (allegedly corresponding to the claimed data segment), but instead outputs the information 12. Thormodson fails to overcome the deficiencies of Tanaka for the same reasons as discussed above with respect to claims 12 and 23. Therefore, the combination of Tanaka and Thormodson does not disclose, and would not have rendered obvious a storage medium having a program of sequentially storing in a

communication end storing unit data segments segment by segment if communication data does not satisfy a prescribed condition as the result of a judgment, as recited in independent claim 19.

Because claim 10 incorporates the features of independent claim 1, and because Thormodson fails to overcome the deficiencies of Tanaka, claim 10 also is patentable over the applied references for at least this reason, as well as for the additional features that claim 10 recites.

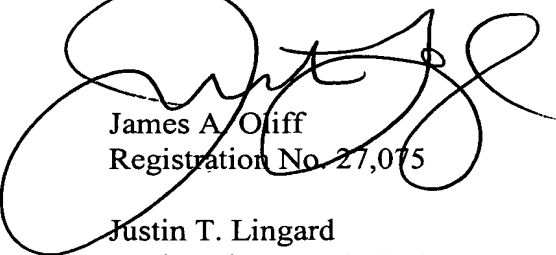
Therefore, independent claims 12, 19 and 23 and dependent claims 10, 13-18, 20, 21 and 24 are patentable over the combination of Tanaka and Thormodson. Thus, it is respectfully requested that the rejection be withdrawn.

Applicant submits that added claim 25 also is patentable over the applied references based on its dependency from independent claim 1 as well as for the additional features that claim 25 recites.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075
Justin T. Lingard
Registration No. 61,276

JAO:JTL/ssh

Attachment:
Request for Continued Examination

Date: May 26, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
